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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 3147/2023**

RANJIT KAUR

..... Petitioner

Through: Mr. Arpit Srivastava, Advocate with
petitioner in person.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for
State with SI Jagdish PS
DIU/Dwarka, New Delhi.
Counsel for respondent No.2
(presence not given).

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

20.03.2024

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1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioner seeking quashing of FIR No. 174/2018 registered under Sections 420/467/468/471/120B IPC at Police Station Dabri, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR relate to fraud, forgery and fabrication of documents for the purpose of obtaining a loan.
3. Mr. Sanjeev Sabharwal, learned APP for the State, on instructions, submits that the petitioner is the only accused persons and respondent No.2 is the complainant/victim in the present case. He states that there is another accused namely Shalu Maini who has not been arrayed as an accused in this petition as a petitioner. Learned counsel for the petitioner states that the settlement has taken place only qua the present petitioner.



4. Learned counsel for the petitioner submits that this Court had earlier dismissed the petitions being W.P.(Crl.) 1626/2020 and Crl.M.C. 2527/2020 on 08.10.2020 and 04.02.2021 respectively on the ground that there was no statement by respondent No.3 stating that it had no objection to the quashing of the FIR. He states that in the present case, the respondent No.2 has stated so which finds reflected in the first order dated 03.05.2023 passed in this petition when the Authorized Representative of respondent No.2 namely Mr. Tarun Beri had appeared and stated that the respondent company had no objection to the quashing of the instant FIR. He states that present FIR has been registered due to misunderstanding. He further submits that parties have amicably settled their disputes and the respondent No.2 has issued a 'no due certificate' to the petitioner on 08.08.2018 certifying that nothing remains due from the petitioner anymore. In terms of the said settlement, complainant is now left with no claim or grievance against the petitioner.

5. Petitioner who is present in Court, has been identified by her counsel as well as the I.O./ SI Jagdish PS DIU/Dwarka, New Delhi.

6. Petitioner has shown remorse for her conduct and undertakes not to repeat the same in future.

7. The parties shall remain bound by the statements made in Court today.

8. In Parbatbhai Aahir and Others v. State of Gujarat and Another reported as (2017) 9 SCC 641, it has been held as under:-

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

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16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing in so far as the exercise of the inherent power to quash is concerned;

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute;

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and...”

9. Similarly, in *State of Madhya Pradesh v. Laxmi Narayan and Others* reported as **(2019) 5 SCC 403**, it has been held as under:-

“15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. That the power conferred Under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences Under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;”

10. In view of the above facts and considering that no useful purpose will be served in continuance of the proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom qua the present petitioner are hereby quashed.



11. With the above directions, the petition is disposed of alongwith miscellaneous applications.

MANOJ KUMAR OHRI, J

MARCH 20, 2024/rd